



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Ms. Kristen Everetts
Alex C. Fergusson, LLC
800 Development Avenue
Chambersburg, Pennsylvania 17201
kristinaeveretts@afco.net

Re: Alex C. Fergusson, LLC (AFCO)
FIFRA Notice of Warning
Case File No. FIFRA-04-2022-0800

Dear Ms. Everetts:

The U.S. Environmental Protection Agency has obtained evidence indicating that Alex C. Fergusson, LLC (AFCO) appeared to be in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). On October 23, 2019, an inspector authorized by the EPA conducted an inspection at Alex C. Fergusson, LLC (AFCO) located at 990 Industrial Park Drive Marietta, Georgia 30062 to determine compliance with FIFRA and the regulations promulgated thereunder.

The inspection performed on October 23, 2019, confirmed that AFCO is a specialty chemical company and food safety provider serving the food and beverage processing industry. Pesticides are produced in Chambersburg, Pennsylvania and shipped to the Georgia facility (EPA Est. No. 35939-GA-1, "AFCO Georgia"). AFCO Georgia receives pesticide products for blending or dilution and then end-use products are housed for storage and distribution. The inventory list provided to the inspector during the inspection listed two drums of the product AFCO Chlorilizer (EPA Reg. No. 550-199-833) were in inventory. During the inspection six drums were found. The inventory records were updated and sent to the EPA inspectors after the inspection.

Pursuant to Section 12(a)(2)(B) of FIFRA, 7 U.S.C § 136j(a)(2)(B)(i), it shall be unlawful for any person to refuse to prepare, maintain, or submit any records required by or under Section 5, 7, 8, 11, or 19. According to 40 CFR 169.2(a), (d) and (e), all producers of pesticides, devices, or active ingredients used in producing pesticides subject to this Act, shall maintain the following records: records showing the product name, EPA Registration Number of all pesticides produced and records showing the following information regarding the shipment of all pesticides, devices used in producing pesticides: (1) Brand name of pesticide or device, or the common or chemical name of the pesticide active ingredient among other information. Such records are required regardless of whether any shipment or receipt of shipment is between plants owned or otherwise controlled by the same person. Shipping and receiving documents such as invoices, freight bills, receiving tickets, etc., which provide the required information will be considered satisfactory for purposes of this section. These records shall be retained for a period

of two (2) years. Inventory records with respect to the types and amounts of pesticides or pesticide active ingredients, or quantities of devices in stock which he has produced. These records may be disposed of when a more current inventory record is prepared.

In response to the potential violation of FIFRA at the facility, the EPA is issuing this Notice of Warning (NOW) to Alex C. Fergusson, LLC pursuant to FIFRA Section 9(c)(3), 7 U.S.C. § 136g(c)(3). The EPA has determined at this time that a NOW is the appropriate enforcement response for the company's apparent violation of FIFRA. Since AFCO Georgia presented information addressing the potential FIFRA violation, additional information is not needed at this time.

If you have any questions regarding this letter, and/or would like to discuss the above-stated findings by the EPA, please contact Deborah Ortiz of my staff at (404) 562-8230 or by email at ortiz.deborah@epa.gov.

Sincerely,

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

cc: Ms. Jennifer Wren; Georgia Department of Agriculture (jennifer.wren@agr.georgia.gov)